

TERMINATION OF PARENTAL RIGHTS

Process Description

Prepared by: DCS Office of Information Systems



Termination of Parental Rights (TPR)

Process Description Document

Prepared by:

**Department of Children's Services
Office of Information Systems**

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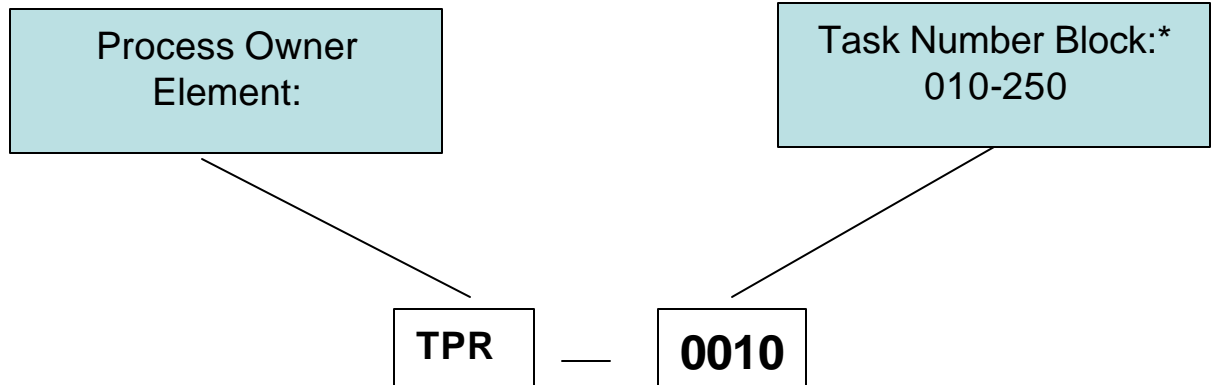
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Process Element Definitions

Task: A unit of work to be completed that is part of the overall process.

Task naming convention:



Task Owner: Indicates the person/group that is responsible for performing the task.

Participants: Individuals and organizations that are actively involved in the process/task, or whose interests may be positively or negatively affected as a result of process execution or process completion.

Inputs: Entry information used specifically to assist in accomplishing the task for which it is aligned. The same input might be applied to multiple tasks.

Performance Metric: A quantitative measurement to assess the task's success.

Performance Steps: The series of steps necessary to accomplish the given task in such manner that it meets the performance metric provided.

Outputs/Deliverables: The deliverables produced from performing the given task using the input information, standard and performance steps to accomplish the outcome. An output might feed several inputs.

**Note – Initial process flows should increment the numbering between steps by 10s. This will allow for additional steps to be inserted in the future without affecting the entire process narrative and flow.*

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Process Name :

Termination of Parental Rights (TPR)

Process Manager:

Stacy Miller, General Counsel 4, General Counsel
Office of Permanency

Process Description:

TPR is the process for ending parental rights to allow a child to be freed for adoption and move toward permanency. There are several methods by which a child can be freed for adoption. A child is not free for adoption until one of the following processes has been completed for each parent:

Termination of Parental Rights (TPR) is a formal proceeding usually sought by a state agency at the conclusion of dependency proceedings in which severance of all legal ties between parent and child is sought against the will of one or both parents, and in which the burden of proof must be by clear and convincing evidence.

Waiver is a request that the alleged father of a child to be placed for adoption sign a Waiver of Interest in order to terminate his rights. The Waiver of Interest is not valid for use by a legal father or for any man listed as the father on the child's birth certificate. The Waiver of Interest must be executed before a notary public, but does not have to be signed before a judge. There is no procedure for revocation of a waiver. Once it is signed, it is final.

Surrender is a legal process by which a parent intentionally relinquishes his or her parental rights. Surrender can be completed in Juvenile, Circuit, or Chancery Court, in Tennessee and in any "court of record" in another state. If the parent is in prison, the surrender is done in front of the warden and not in a court at all. The Surrender can be revoke.

Certification of Death is when a Certification of Death has been filed with vital statistics that a parent is deceased. DCS or the family will still need to file for a guardianship order

Someone Other then Department files Petition for TPR is when someone other then the Department (for example Foster Parents or GAL) file a petition with the court to Terminate the Parental Rights of a parent to a child.

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Interfaces w/ other processes: CFTM Process, Out of Home Service Process, Adoption Process

Process Participants: Family Service Worker
Team Leader/Coordinator
CFTM Participants
Permanency Specialist
DCS Regional Attorney
DCS General Counsel
Attorney General
Parents' Attorney(s)
Guardian ad Litem (GAL)

Associated Documentation:

Chapter 0250-7-13 of the TN State Rules (Adoption Process Forms)

DCS CASE MANAGEMENT GUIDE: A Tool for Navigating the Principles & Requirements of the Brian A. Settlement Agreement

CS-0435 Request For Name and/or Address of Father Of Child Born Out-of-Wedlock

CS-0456 Department of Children's Services
In-State Certification/Verification Of Birth Or Death

CS-0528 Tennessee Department of Children's Services
Out-Of-State Certification/Verification Of Birth, Death, Marriage Or Divorce

CS-1125 Medical/Social History of Child's Family (Form 1050, HS-1125) State Rule 0250-7-13-.02

CS-0643 Certification of Completion of Legal Counseling Related to Adoption Placement Decision by Parent(s)

CS-0649 Medical Social History for Child and Child's Family

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CS-0651 Forms For Surrender In Tennessee Of Child To Tennessee Department Children's Services Or A Licensed Child Placing Agency By A Parent Or Guardian In Tennessee (Form 1000, HS-0091) State Rule 0250-7-13-.05

CS-0652 Surrender of a Child in TN Directly to Adoptive Parents by a Parent or Guardian

CS-0653 Form For Surrender of Child By Parent Or Guardian In Another State To The Tennessee Department of Children's Services Or A Tennessee Licensed Child Placing Agency (Form 1010, HS-0092) State Rule 0250-7-13-.03

Legal Advocacy In Child Dependency And Parental Rights Cases
Fourth Edition 2004

Supporting Policy:

Administrative Policies and Procedures: 31.12-BA: Documenting Progress in Achieving Termination of Parental Rights and Adoptive Placement

Administrative Policies and Procedures: 15.3: Surrender Of Parental Rights Of A Child To The Department of Children's Services

Administrative Policies and Procedures: 15.4: Clearing The Putative Father Registry

Administrative Policies and Procedures: 15.5 Registering and Maintaining Status of Children with REACT (Resource Exchange for Adoptable Children in Tennessee)

Tennessee Code: TITLE 36 DOMESTIC RELATIONS: CHAPTER 1 ADOPTION

Tennessee Code: TITLE 36 DOMESTIC RELATIONS: CHAPTER 2 PATERNITY

Tennessee Code: TITLE 37 JUVENILES: CHAPTER 1 JUVENILE COURTS AND PROCEEDINGS : PART 5 COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

Tennessee Code: TITLE 37 JUVENILES: CHAPTER 1 JUVENILE COURTS AND PROCEEDINGS : PART 8 PERMANENT GUARDIANSHIP

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Brian A. Settlement Agreement;

Adoption Procedures Manual

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Task (ADP-010): CFTM Case Planning/On-going Assessment

Task Owner: Family Service Worker

Participants: Family Service Worker, Team Leader, DCF Attorney, Permanency Specialist, Family, Child (if appropriate), Family and Child's support network, Resource Family, other CFTM members as appropriate.

Inputs: Family Service Worker has met with DCS Attorney to discuss adoption as an option.

Performance Steps:

1. Prior to the CFTM the Family Services Worker has:
 - a. Met with Team Leader to discuss if adoption is an option for a child
 - b. If it is an option Family Service Worker talks to DCS Attorney to see if there are grounds for TPR and Adoption.
 - c. Family Service Worker makes referral to Permanency Specialist
 - d. Permanency Specialist reviews case file, contacts Resource Family if appropriate.
2. Family Service Worker convenes Child and Family Team Meeting to discuss the goal of adoption and a decision needs to be made if adoption should become a permanency goal for child.
3. Child Family Team Meeting determines to change the permanency goal to Adoption either as a sole or concurrent goal
4. If the goal is changed to the sole goal of Adoption the Family Service Worker has 15 day from the CFTM to meet with DCS Attorney to discuss Termination of Parental Rights. Go to Task 020
5. DCS attorney has 30 days from the date the goal is changed to a sole goal of adoption to file for Termination of Parental Rights.
6. If the concurrent goal is Adoption the Family Service Worker has 15 day from the CFTM to meet with DCS Attorney to discuss if Termination of Parental Rights will be filed at this time.
7. If parent agrees to sign Surrender Forms Go to Task 160
8. If the putative father agrees to sign Wavier Forms Go to Task 120
9. If the parent is deceased Go to Task 210
10. The focus of the CFTM is child safety, well-being and permanency.
11. The goal of the CFTM is to provide the "least restrictive – least intrusive" intervention.
12. Permanency Specialist will attend CFTM.
13. The members of the CFT review the Case Plan and On-going Assessment.
14. CFT identifies appropriate services for the child and family.
15. The Family Services Worker documents all contacts for scheduling the Child and Family Team Meeting.
16. Additional/potential relative resources are identified at this CFTM.
17. CFT develops Service Plan, which includes for example: referrals for services, tasks, persons responsible for tasks and time lines for task completion.
18. The Team Leader and Juvenile Court of Venue reviews and approves the permanency plan.
19. Family Services Worker notified the family of why a goal change is being considered IF the family

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is not present due to unforeseen circumstances at the CFT for ex: incarceration, out of state, unable to be found.

20. The purpose of the meeting is for the family to help plan for the child's transition and to participate in goal change strategies.
21. The CFT meeting is the opportunity for the family, and other team members to explore and plan for transition for the child in custody.
22. ***Refer to the process map and document for On-going Assessment/Case Planning for details regarding the tasks/activity involved in the On-going Assessment and Case Planning Process.***

Outputs/Deliverables:

- Preliminary meeting with DCS Attorney
- Referral to Permanency Specialist
- Determination if Adoption will be a permanency goal for child.
- Permanency Plan updated
- Updated Assessment
- Decision to Pursue Termination of Parental Rights

Task (TPR-020): Family Service Worker Meets with DCS Attorney

Task Owner: Family Service Worker

Participants: Family Service Worker, DCS Attorney

Inputs: Child has been in custody for 9 months or sooner if situation warrants. CFTM concluded the Permanency Goal is going to be Adoption and to pursue TPR

Performance Metric: Family Service Worker has met with the DCS Attorney.

Performance Steps:

1. If the mother has voluntarily delivered her infant that is 72 hours or less old to a facility defined by 68-11-255 and has not revoked the surrender, visited or seek contact in 30 days from the surrender the department can pursue Termination of Parental Rights.
2. Family Service Worker meets with Attorney to discuss the case and to assist in preparation of the petition
3. If DCS Attorney and the Family Service Worker decide jointly that TPR is appropriate and that DCS has sufficient legal grounds to file the petition, then the attorney shall record the date of the meeting in the legal file.
4. Family Service Worker and DCS Attorney complete any final steps to prepare for filing
5. Family Service Worker must check the Putative Father Registry 10 days prior to TPR Petition filed.
6. Family Service Worker signs petition before notary.

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Outputs/Deliverables:

- TPR Assessment Form
 - Check of Putative Father Registry
 - Signed Petition
-

Task (TPR-030): TPR Petition Filed

Task Owner: DCS Attorney

Participants: DCS Attorney, Family Service Worker

Inputs: Decision to file a petition for TPR

Performance Metric: TPR Petition has been filed within 30 - 90 days of goal change

Performance Steps:

1. Petition filed for Termination of Parental Rights for a child.
 2. Hearing Date requested
 3. Parties served with petition for Termination of Parental Rights.
 4. DCS Attorney will ensure Guardian ad Litem (GAL) has been appointed for Child and Counsel has been appointed for parents if necessary.
- * Note Performance Steps may be carried out by Attorney, Family Service Worker, Court Liaison or others: the DCS Attorney is responsible to ensure tasks are performed.
-

Outputs/Deliverables:

- TPR Petition Filed
 - Hearing date requested
 - Proof of service
 - All parties are afforded due process
-

Task (TPR-040): TPR Hearing is held

Task Owner: DCS Attorney

Participants: DCS Attorney, Family Service Worker, Judge, Parents, GAL, Parents' Attorney(s)

Inputs: Petition was filed to terminate the parental rights of all parents associated with a child.

Performance Metric: TPR Hearing is completed

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Performance Steps:

1. Termination of parental rights hearing is held with the Family Service Worker participating.
2. The court will render a decision if parental rights will be terminated. Continue with Task 060

Outputs/Deliverables:

- CFTM

Task (TPR-050): Decision Announced

Task Owner: DCS Attorney

Participants: DCS Attorney, Family Service Worker, Judge, Parents, GAL, Parents' Attorney(s)

Inputs: TPR Hearing held

Performance Metric: Day order entered by Minutes Clerk begins the 30-appeal process.

Performance Steps:

1. Decision by Judge announced. Order submitted within 30 days
2. Order entered by Minutes Clerk
3. If the Judge's decision is to terminate the parent's rights the Court will grant DCS order for guardianship (full or partial).
4. If the Department obtains partial guardianship, TPR process must be pursued on outstanding parental rights.
5. If the Judge's decision is not to terminate parent's rights the Family Service Worker will convene a Child and Family Team Meeting and the Child and Family Process will continue based on the CFTM (Child and Family Team Meeting Task 090)
6. Family Service Worker and DCS Attorney must meet within 5 days before CFTM.

Outputs/Deliverables:

- Order entered for guardianship (full or partial).
- CFTM

Task (TPR-060): Do parents appeal within 30 days of date order was entered?

Task Owner: DCS Attorney

Participants: Family Service Worker, Permanency Specialist, Parents, DCS Attorney, DCS General Counsel, Attorney General

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Inputs: Court terminated the parent's parental rights

Performance Metric: Parent has filed an appeal within 30 days of termination of their parental rights

Performance Steps:

1. If the parents do not appeal DCS will processed to Adoption (Refer to Adoption Process)
2. If the parents file an appeal to the termination of their parental rights within 30 days of order entered.
 - a) Family Service Worker places adoption on hold.
 - b) DCS Regional Attorney informs General Counsel and Attorney General.
 - c) At this point in the process DCS is not longer involved in the appeal process except to provide information. Proceed to Task 090
3. Final non-appealable decision and mandate issued.

Outputs/Deliverables:

- Appeals process.
- Adoption on hold
- Final non-appealable order.

Task (TPR-070): Out of Home Services

Task Owner: Family Services Worker

Participants: Family Service Worker, Permanency Specialist, Parents,

Inputs: Parents appeal the decision

Performance Metric: Parent has filed an appeal within 30 days of termination of their parental rights

Performance Steps:

1. Parent(s) have filed an appeal to the TPR decision and Out of Home Services continues
2. See Out of Home Services Process

Outputs/Deliverables:

- Out of Home Services continue

Task (TPR-080): Adoption

Task Owner: Family Service Worker and Permanency Specialist,

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Participants: Family Service Worker, Permanency Specialist, Child, Resource Family

Inputs: Parent(s) have not filed an appeal within 30 days of termination.

Performance Steps:

1. Parents did not file an appeal within 30 days of termination and Adoption Process continues
2. See Adoption Process

Outputs/Deliverables:

- Adoption proceeds

Task (TPR-090): DCS Appeals?

Task Owner: DCS Attorney

Participants: DCS Attorney, Family Service Worker, General Counsel, Attorney General

Inputs: TPR Hearing held and Judge does not order Termination of Parental Rights or award DCS guardianship (full or partial).

Performance Metric: DCS Attorney and Family Service Worker have meet and decide to pursue Appeal of Judge's decision and the appeal is filed within 30 days for the order entered by the Minutes Clerk.

Performance Steps:

1. Judge's decision is not to terminate the parent's parental right.
2. Family Service Worker and DCS Attorney will meet the next day to discuss if DCS will pursue an appeal.
3. If the decision is not to appeal the appeal process stops for DCS.
4. If the decision is to pursue an Appeal the Regional DCS Attorney will contact the General Counsel and present grounds for appeal.
 - a. General Counsel will seek the approval to proceed with the Commissioner.
 - b. If the Commissioner does not approve the appeal process stops.
 - c. If there is an approval General Counsel will forward the appeal information to the Attorney General's office.
5. Wait for the Attorney General Decision to accept or deny pursuing the appeal (at this point DCS is no longer involved except to provide information).

*Note: During the appeal's process a TPR can be pursue on other grounds.

Outputs/Deliverables:

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- Decision is made if DCS will appeal
- Appeal process begins (if that is the decision)

Task (TPR-100/110): Out of Home Services

Task Owner: Family Services Worker

Participants: Family Service Worker, Permanency Specialist, Parents,

Inputs: Parental Rights were not terminated by the Judge.

Performance Steps:

1. DCS has decided to file an appeal of Judges decision not to termination parental rights.
 - a. Out of Home Services continue pending the outcome.
2. DCS decided not to file an appeal of the Judges decision not to terminated parental rights.
 - a. Out of Home Services continue pending the outcome.
3. See Out of Home Services Process

Outputs/Deliverables:

- Out of Home Services continues

Task (TPR-120): Family Service Worker meets with Putative Father

Task Owner: Family Service Worker

Participants: Family Service Worker, Putative Father(s), Notary, DCS Attorney

Inputs: Mother has named person as a putative father.

Performance Steps :

1. Mother has named person as a putative father(s).
 2. Family Service Worker and CFTM has decides to pursue Wavier from the putative father.
 3. Family Services Worker discusses with the putative father to determine if he is willing to sign waiver.
- *Note: The Wavier Process can take place for each of the putative fathers named.

Outputs/Deliverables:

- Decision to approach putative father(s) to sign waiver.
- Meet with putative father(s)

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Task (TPR-130): Putative Father signs Wavier

Task Owner: Family Service Worker

Participants: Family Service Worker, Putative Father, Notary, DCS Attorney

Inputs: Family Service Worker has met with Putative Father.

Performance Metric: Putative Father signs Wavier of parental rights

Performance Steps:

1. If the Putative Father agrees to sign Wavier of parental rights the Putative Father will go before a notary to have the Wavier signed. The Family Service Worker may be present.
2. Family Service Worker will send the original notarized signed Waiver to DCS Legal
3. DCS continues to pursue other forms of Termination of Parental Rights on the mother. (TPR, Surrender, Guardianship)

Outputs/Deliverables:

- Signed Waiver of Parental Rights

Task (TPR-140): Adoption

Task Owner: Family Service Worker and Permanency Specialist,

Participants: Family Service Worker, Permanency Specialist, Child, Resource Family

Inputs: Putative Father has agreed to sign Wavier

Performance Steps:

1. Putative father has signed Wavier
2. Proceeded with adoption after child(ren) are legally free for adoption
3. Refer to Adoption Process

Outputs/Deliverables:

- Adoption pursued

Task (TPR-090): Putative Father does not sign Wavier

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Task Owner: Family Service Worker

Participants: Family Service Worker, Putative Father

Inputs: Family Service Worker has met with Putative Father.

Performance Steps:

1. If the Putative Father does not sign the Waiver the Department may proceed with TPR process. TPR Process Task 010.

Outputs/Deliverables:

- TPR Process begins.

Task (TPR-160): Family Service Worker meets with Legal Parent

Task Owner: Family Service Worker

Participants: Family Service Worker, Legal Parent, DCS Attorney, Court

Inputs: Legal Parent wants to sign Surrender

Performance Steps:

1. Family Service Worker decides to talk to the legal parent(s) about signing Surrender.
2. Family Service Worker discuss with the legal parent(s) if they are willing to sign Surrender.
3. Legal Parent wants to sign Surrender.
4. If the legal parent(s) do not want to sign the Surrender, DCS Attorney and Family Service Worker may proceed with Termination of Parental Rights. Proceed to Task 010.
5. Family Service Worker meets with the Legal Parent to complete Medical Social History and Surrender Packet.
6. Family Service Worker consults with DCS Attorney to get appointment with Court.

Outputs/Deliverables:

- Medical Social History
- Surrender Packet
- Appointment with Court to hear surrender

Task (TPR-170): Legal Parent appears before Judge

Task Owner: Family Service Worker

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Participants: Family Service Worker, Legal Parent(s)

Inputs: Parent wants to sign Surrender and has completed Medical Social History and Surrender packet.

Performance Metric: Legal Parent(s) signs Surrender document in front of Judge.

Performance Steps:

1. Family Service Worker and Legal Parent(s) appear before Judge
2. Legal Parent(s) signs the Surrender
3. If the Judge accepts the Surrender the Legal Parent(s) have 10 days to revoke surrender.
4. If the Legal Parent doesn't surrender DCS Attorney may file for TPR. TPR Process Task 010

Outputs/Deliverables:

- Legal Parent signs Surrender

Task (TPR-180): Does Legal Parent(s) Revoke?

Task Owner: DCS Attorney

Participants: DCS Attorney, Family Service Worker, Legal Parent(s)

Inputs: Parent sign Surrender

Performance Metric: Legal Parent has filed to revoke Surrender 10 days or less after signing Surrender

Performance Steps:

1. Legal Parent files to revoke Surrender 10 days or less after signing Surrender.
2. DCS Attorney may file for TPR. Return to Task 010.

Outputs/Deliverables:

- Surrender Revoked

Task (TPR-190): DCS Attorney files for Guardianship

Task Owner: DCS Attorney

Participants: DCS Attorney, Family Service Worker

Inputs: Legal Parent signed Surrender

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Performance Metric: DCS Attorney has filed for Guardianship Order

Performance Steps:

1. DCS Attorney files for guardianship.
2. DCS Attorney and Family Service Worker will process with TPR or other process for freeing a child for adoption if they have not been competed.
3. Adoption Process once child is legally free for adoption.

Outputs/Deliverables:

- (Full/partial) guardianship obtained

Task (TPR-200): Adoption

Task Owner: Family Service Worker and Permanency Specialist,

Participants: Family Service Worker, Permanency Specialist, Child, Resource Family

Inputs: Parent(s) have signed surrender papers and DCS has filed for Guardianship

Performance Steps:

1. Parent(s) have signed surrender papers
2. Refer to Adoption Process

Outputs/Deliverables:

- Adoption Process

Task (TPR-210): Family Service Worker obtains Death Certificate

Task Owner: Family Service Worker

Participants: Family Service Worker

Inputs: Report of deceased parent

Performance Steps:

1. Family Service Worker receives a report of deceased Parent.
2. Family Service Worker obtains copy of Death Certificate
3. Family Service Worker send the copy of Death Certificate to DCS Attorney

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Outputs/Deliverables:

- Death Certificate
 - DCS Attorney may pursue Guardianship (Full or Partial depending if it was one or both Parents)
-

Task (TPR-220): DCS Attorney files for Guardianship

Task Owner: DCS Attorney

Participants: DCS Regional Attorney, DCS General Counsel,

Inputs: Family Service Worker has obtained copy of Death Certificate

Performance Steps:

1. DCS Attorney will use the copy of the Death Certificate to obtain a full guardianship order because both parents are deceased and the child is an orphan, or Death Certificate is used with other process such as Waiver or Surrender to obtain partial guardianship, or the Death Certificate is recorded in the SACWIS record and nothing else is pursued at this time.
-

Outputs/Deliverables:

- DCS Attorney files for Guardianship (if appropriate)
 - DCS receives full or partial Guardianship
-

Task (TPR-230): Adoption

Task Owner: Family Service Worker and Permanency Specialist,

Participants: Family Service Worker, Permanency Specialist, Child, Resource Family

Inputs: DCS Attorney has filed for full or partial guardianship

Performance Steps:

1. Death Certificate has been obtained and DCS Attorney has filed for full or partial guardianship
 2. Adoption process will continue once the child is legally free for adoption.
 3. Refer to Adoption Process
-

Outputs/Deliverables:

- Adoption Process
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Task (TPR-240): Someone Other then Department Files TPR

Task Owner: DCS Attorney

Participants: DCS Regional Attorney, DCS General Counsel, Attorney General

Inputs: Someone other then Department has files a petition for TPR

Performance Steps:

1. Other party files for Termination of Parental Rights and has DCS served through Attorney General
2. TPR hearing is held TPR Process Tasks 040
3. Decision announced TPR Process Task 050
4. DCS Appeals? TPR Process Task 090
5. Do parents appeal within 30 days of date order was entered? TPR Process 060
6. Depending on Outcome either the Family Service Custody or Adoption Process will be followed.

Outputs/Deliverables:

- TPR Petition dismissed by Court with no change is case status.
- TPR
- Appeal Filed

Task (TPR-250): Out of Home Services/Adoption

Task Owner: Family Services Worker, Permanency Specialist

Participants: Family Service Worker, Permanency Special list,

Inputs: Someone other then DCS has filed for TPR and a decision has been handed down from the Judge.

Performance Steps:

1. Someone other then DCS such as Resource parent or GAL has filed for TPR.
2. After Judge has handed down the decision Out of Home Services will continue and Adoption Services may begin based on Judges decision.
3. Refer Out of Home Services Process and Adoption Process

Outputs/Deliverables:

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- Out of Home Services Process continues
 - Adoption Process continues if appropriate
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Process Owner Sign-Offs

Stacy Miller, General Counsel 4, Office of General Counsel	Date
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Elizabeth Black, Executive Director, Office of Child Permanency	Date
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Susan Kovac, Regional General Counsel, Office of General Counsel	Date
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Jeanne Schuller, Deputy General Counsel, Office of General Counsel	Date
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